

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

McCONNELL DORCE; CECILIA JONES,
and SHERLIVIA THOMAS-MURCHISON,
individually and on behalf of all others
similarly situated,

Plaintiffs,

-against-

CITY OF NEW YORK; NEIGHBORHOOD
RESTORE HOUSING DEVELOPMENT
FUND CO. INC.; BSDC KINGS COVENANT
HOUSING DEVELOPMENT FUND
COMPANY, INC.; MARIA TORRES-
SPRINGER, Commissioner of the New York
City Department of Housing Preservation and
Development); JOHN DOE #1 to #10, and
JANE DOE #1 to #10,

Defendants.

Case No. 1: 19-cv-02216 (JLR)

ORDER

JENNIFER L. ROCHON, United States District Judge:

Now before the Court is the Report and Recommendation, dated October 14, 2022, of Magistrate Judge Sarah L. Cave recommending that Plaintiffs' motion to strike certain of Defendants' affirmative defenses be granted in part and denied in part. ECF No. 214. Specifically, Judge Cave recommends that the Eighth Defense in the City Defendants' Answer and Transferee Defendants' Answer be stricken with leave to replead, and the Eleventh Defense in the City Defendants' Answer be stricken without prejudice to renewal on a showing of good cause if a class is certified in this action. *Id.* at 11.

Under 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), the parties had fourteen days from the service of the Report and Recommendation to file written objections. That time has expired, and no objections have been filed.

Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72, this Court has reviewed the Report and Recommendation for clear error. *See Gomez v. Brown*, 655 F. Supp. 2d 332, 341 (S.D.N.Y. 2009) (noting that, with respect to “uncontested portions of a report and recommendation, a district court need only satisfy itself that there is no clear error on the face of the record”). “A decision is ‘clearly erroneous’ when the reviewing Court is left with the definite and firm conviction that a mistake has been committed.” *Royal Park Invs. SA/NV v. Deutsche Bank Nat'l Tr. Co.*, No. 14-CV-4394 (AJN), 2018 WL 1750595, at *21 (S.D.N.Y. Apr. 11, 2018). Having received no objections, and finding no clear error, the Court adopts the October 14, 2022 Report and Recommendation of Judge Cave in its entirety.

Accordingly, IT IS HEREBY ORDERED that Plaintiffs’ motion to strike is GRANTED in part and DENIED in part. The Defendants’ Eighth Defense is stricken with leave to replead, and the City Defendants’ Eleventh Defense is stricken without prejudice to renewal on a showing of good cause if a class is certified in this action.

Dated: November 2, 2022
New York, New York

SO ORDERED.



JENNIFER L. ROCHON
United States District Judge